

HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

BROOKS SPORTS, INC., a Washington
corporation,

Plaintiff,

v.

SPARC GROUP, LLC, a Delaware limited
liability company, AUTHENTIC BRANDS
GROUP, LLC, a Delaware limited liability
company, BB IPCO, LLC, a Delaware limited
liability company, BB OPCO LLC, a
Delaware limited liability company,

Defendants.

Case No. 2:20-cv-1491 RSM

**PLAINTIFF'S UNOPPOSED MOTION
TO REDACT CONFIDENTIAL
INFORMATION**

**NOTED ON MOTION CALENDAR:
NOVEMBER 19, 2021**

Pursuant to Local Civil Rule 5(g), by and through its attorneys, Plaintiff Brooks Sports, Inc. ("Brooks") files this Motion to Redact Confidential Information from the Second Amended Complaint ("SAC"). Brooks respectfully requests that the Court permit Brooks to redact confidential information from the SAC.

On November 2, 2021, the Court entered the parties' stipulation allowing Brooks to file its SAC. *See* Docket 68. The SAC contains information obtained from documents produced in discovery by existing Defendants in this case and from newly-added Defendant Simon Property Group, which have been designated by those parties as Confidential or

1 Attorneys' Eyes Only under the parties' Protective Order. Brooks does not oppose redacting
2 the confidential information disclosed in its SAC.

3 **FACTS**

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5 The parties agreed to enter a protective order for discovery in this case, which the Court
6 ordered at Docket 61. Under the protective order, parties (including third-parties) can
7 designate documents as "Confidential" or "Attorneys' Eyes Only," depending on the nature of
8 the materials. *See* Dkt. 61 at 2.

9 On October 15, 2021, Brooks filed an Unopposed Motion to Seal Confidential Exhibits
10 and to Redact Confidential Information in connection with its Motion to Modify the
11 Scheduling Order. *See* Dkt. 62. Therein, Brooks requested permission to file six exhibits
12 under seal based on their designations under the parties' protective order and to redact
13 confidential information from its motion and from its proposed SAC. The motion is noted for
14 November 5, 2021 and remains pending before this Court.

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16 In the interim, the Court has granted Brooks leave to file its Second Amended
17 Complaint. In its SAC, Brooks relies on information disclosed in two corporate charts
18 produced by Defendants and designated as Attorneys' Eyes Only and four corporate
19 documents produced by third-party Simon Property Group and designated as Confidential.
20 Accordingly, the instant motion requests the same relief as the motion at Docket 62, namely,
21 that Brooks be allowed to redact the confidential information disclosed in the SAC.

22 **LEGAL STANDARD**

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24 Although there exists a presumption in favor of public access to court filings, parties
25 can overcome that presumption when compelling reasons to maintain confidentiality, such as
26

1 protecting the confidentiality of sensitive business information, outweigh the public interest.
 2 *Kamakana v. Cty. of Honolulu*, 447 F.3d 1172, 1178–81 (9th Cir. 2006).

3 Under Local Civil Rule 5(g), a party may file documents under seal by motion made
 4 before or at the same time the party files the sealed documents. Where the documents at issue
 5 have been designated confidential under a protective order, the moving party need not provide
 6 an explanation of the interests that warrant the relief, the potential injury, or the consideration
 7 of alternatives. *See* LCR 5(g)(3)(B). The designating party bears the burden of satisfying LCR
 8 5(g)(3)(B).
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10 CERTIFICATION

11 Pursuant to LCR 5(g), and in connection with Brooks' Motion to Modify the
 12 Scheduling Order at Docket 63, counsel for Brooks and Defendants met and conferred by email
 13 on October 13 and 14, 2021, to reach agreement on whether to redact information disclosed in
 14 the proposed SAC from two documents designated Attorneys' Eyes Only by Defendants. The
 15 parties agreed to redact the information based on Defendants' concerns about protecting their
 16 confidential business information. Specifically, Defendants represented that the documents
 17 include sensitive information regarding ownership that is not publicly-available and which, if
 18 made public, could result in competitive harm to Defendants. Brooks does not oppose
 19 redacting the confidential information from its SAC.
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22 Pursuant to LCR 5(g), and in connection with Brooks' Motion to Modify the
 23 Scheduling Order at Docket 63, counsel for Brooks and Simon Property met and conferred by
 24 email on October 13, 14, and 15, 2021, to reach agreement on whether to redact information
 25 in the proposed SAC from four documents designated as confidential by Simon Property. The
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1 parties agreed to redact the information based on Simon Property Group's concerns about
2 potentially disclosing confidential information.¹ Brooks does not oppose redacting the
3 confidential information from the SAC.

4 CONCLUSION

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6 Based on the foregoing, Brooks respectfully requests that the Court enter an order
7 allowing Brooks to redact confidential information from its Second Amended Complaint.

8 Dated this 2nd day of November, 2021.

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25 ¹ Simon Property represented that it received three of the documents from Defendant
26 SPARC and was not authorized to withdraw the confidentiality designation over those
exhibits and that the fourth was a compilation of information that may not be public.